IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: HARVILLE, et al.   Patent Application

Application No.:   10/698,196   Group Art Unit: 2457

Filed: October 30, 2003   Examiner: Burgess, Barbara N.

For: SERVICE MANAGEMENT USING MULTIPLE SERVICE LOCATION

MANAGERS

REPLY BRIEF

In response to the Examiner's Answer mailed on September 23, 2011,
Appellants respectfully submit the following remarks.

REMARKS

Appellants are submitting the following remarks in response to the Examiner's Answer. In these remarks, Appellants are addressing certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellants agree with the other arguments presented in the Examiner's Answer.

Appellants understand the this Examiner's Answer to be based on the Examiner's Answer's assumptions made at page 17 lines 8-9 and page 17 lines 15-18. Therefore, this Reply Brief shall address the Examiner's Answer's assumptions at page 17 lines 8-9 and page 17 lines 15-18.

Examiner's Answer page 17 lines 8-9

The Examiner's Answer states on page 17 lines 8-9 that Lumelsky teaches "the requesting User (client) to select or accept a Media Server to provide the requested media. <u>Once the selection is made by the User (client)</u>, ..." (emphasis added) However, in this case, Lumelsky teaches away from "receiving a request for a streaming media service from a client at a computer processor...<u>selecting said service provider is performed by said service location manger</u>...providing, performed by said computer processor, information to said client," (emphasis added) as recited by Claim 1.

Examiner's Answer page 17 lines 15-18

First with respect to Pitkins, Appellants understand Pitkins to teach that the broker suggests a server to the client and the client contacts the suggested server if the client accepts the suggestion. For example, Pitkins states at Col. 2 lines 45-46, "...the broker thus suggests to the client a server." Pitkins also states at Col. 10 lines 57-64,

> In operation, upon receiving a client request, the broker again would check the entry in the preview window. Once the broker finds an entry having the available capacity, it suggests that entry along with the next entry in the preview window. In this embodiment, only the scan weight of the first entry is decreased. The client then will attempt to access the service through the first entry.

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Accordingly, Appellants understand Pitkins to teach that the broker <u>suggests</u> a server to the client and the client contacts the suggested server if the client accepts <u>(selects)</u> the suggestion (see Pitkins Col. 2 lines 45-46, Col. 10 lines 57-64 quoted herein). In this case, Pitkins would teach away from "selecting, performed by said computer processor, a service provider to which to assign said media service component…informing, performed by said computer processor, said service provider of said assignment to perform said media service component, causing said service provider to prepare to perform said streaming media service on streaming media," as recited by Claim 1.

Second with respect to Pitkins, Appellants respectfully submit that "…the client then requests the service from the recommended server, and the <u>server is responsible for granting the request</u> only if the server currently has the required capacity available for that service" (emphasis added; see Pitkin Col. 2 lines 51-55) teaches away from "receiving a request for a streaming media service from a client at a computer processor…informing, performed by said computer processor, said service provider of said assignment to perform said media service component, causing said service provider to prepare to perform said streaming media service on streaming media," as recited by Claim 1.

The Examiner's Answer states on page 17 lines 15-18 that Pitkins teaches "…a Broker Mechanism (service location manger) is used to suggest to User (clients) an Appropriate Server (service provider) for delivering requested service. Once the suggested Appropriate Servers are sent to the User (client), the User connects to the Appropriate Server without any further connection with the Broker…" Accordingly, Appellants understand Pitkins to teach that the broker suggests a server to the client and the client contacts the suggested server if the client <u>accepts (selects)</u> the suggested server (see Pitkins Col. 2 lines 45-46, Col. 10 lines 57-64 quoted herein). In this case, Pitkins would teach away from "selecting, performed by said computer processor, a service provider to which to assign said media service component…, wherein said selecting said service provider is performed by said service location manager;

<u>informing, performed by said computer processor, said service provider of said assignment</u> to perform said media service component, causing said service provider to prepare to perform said streaming media service on streaming media," (emphasis added) as recited by Claim 1.

Appellants understand the rest of this Examiner's Answer to be based on the Examiner's Answer's assumptions made at page 17 lines 8-9 and page 17 lines 15-18.

CONCLUSION

In view of the above remarks, Appellants continue to assert that the combination of Lumeslsky and Pitkin does not teach, describe, or suggest the claimed embodiments, for reasons presented above and for reasons previously presented in the Appeal Brief.

Respectfully submitted,

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